

DALE K. KLEVEN, ESQ.
Nevada Bar No. 007778
THOMAS M. FRONCZEK, ESQ.
Nevada Bar No. 11380
RELIEF LAWYERS, LLC
5550 Painted Mirage Rd., Ste. 320
Las Vegas, Nevada 89149
Phone: (702) 589-7520
dale@relieflawyersnv.com

TOMIO B. NARITA, ESQ. (*pro hac vice*)
California Bar No. 156576
R. TRAVIS CAMPBELL, ESQ. (*pro hac vice*)
California Bar No. 271580
SIMMONDS & NARITA LLP
44 Montgomery Street, Suite 3010
San Francisco, CA 94104-4816
Telephone: (415) 283-1000
Facsimile: (415) 352-2625

Attorneys for Plaintiff and Counter-Defendant
Troy Capital, LLC and Third-Party Defendants
Rance Willey and Troy Dupuis

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TROY CAPITAL LLC, a Nevada Limited
Liability Company,

Plaintiff,

vs.

PATENAUDE & FELIX APC, et al.,
Defendants.

CASE NO.: 2:20-cv-00205-JCM-DJA

**STIPULATION TO EXTEND TIME TO
RESPOND TO DEFENDANTS' MOTION
FOR SUMMARY JUDGEMENT
(Second Request)**

Current Deadline: April 8, 2022

New Deadline: May 13, 2022

PATENAUDE & FELIX APC,

Counterclaimant/Third-Party
Plaintiff

vs.

TROY CAPITAL LLC, a Nevada Limited
Liability Company; RANCE WILLEY, an
Individual, and TROY DUPUIS, an Individual,

Counterdefendants/Third-Party
Defendants

The Hon. Daniel J. Albregts

Pursuant to LR IA 6-1, LR IA 6-2, and LR 7-1, the parties, through their respective counsel, stipulate to extend the time for Plaintiff to respond to Defendants' pending Motion for Summary Judgment (ECF No. 127) filed on March 4, 2022. This is the parties' second request. Good cause for this stipulation exists based on the following:

1. As the Court is aware, the parties have filed numerous substantive, discovery and procedural motions. Several of these motions have been recently decided (ECF Nos. 130 and 131), and several remain pending.¹

2. The current briefing schedule for Defendants' Motion for Summary Judgment is as follows: Plaintiff's Response - April 8, 2022, and Defendants' Reply - April 29, 2022. (ECF No. 125 at 3:9-13). On April 6, 2022, the parties filed a stipulation requesting the extension of the briefing schedule discussed herein. (ECF No. 132). On April 7, 2022, the Court denied the stipulation without prejudice on the grounds that it failed to comply with the Local Rules. The Court directed the parties to re-file a corrected version of the stipulation by April 21, 2022. (ECF No. 133). The parties apologize to the Court for the oversights with the prior stipulation.

3. On March 25, 2022, the Court granted in part Defendants' Emergency Motion to Extend Discovery Plan and Scheduling Order (ECF No. 98). In its Order (ECF No. 130), the Court established the following deadlines: Discovery cutoff - May 18, 2022; Dispositive motions - June 17, 2022; and Joint pretrial order - July 18, 2022. (ECF No. 130 at 3). Separate to this Stipulation, the parties are also seeking to extend deadlines for Discovery Cutoff, Dispositive Motions and Joint Pretrial Order.

4. Most recently, the Court decided the parties' respective motions to compel further discovery responses (ECF Nos. 107 and 110). In its Order (ECF No. 131), the Court ordered Plaintiff to produce further discovery responses and a privilege log. No deadline for the further responses and privilege log is set forth in the Order.

¹ The pending motions include Plaintiff's Motion for Partial Summary Judgment (ECF No. 92), Defendants' Countermotion for Partial Summary Judgment (ECF No. 97), Defendants' Motion to Dismiss due to Insufficient Service of Process for Kristopher Childers (ECF No. 113), Defendants' Motion to Dismiss due to Insufficient Service of Process for Ryan Johnson (ECF No. 116) and Defendants' Motion for Summary Judgment (ECF No. 127).

5. The parties are in the process of scheduling the depositions of Plaintiff's principals and Counter-defendants, Rance Willey and Troy Dupuis, and continue to meet and confer regarding additional depositions. Due to health issues of one of the witnesses and the trial schedule of Plaintiff's counsel, these depositions are unable to be scheduled for the month of April. Plaintiff also requires additional time to provide further written discovery responses and a privilege log as recently ordered by the Court. (ECF No. 131).

6. The parties agree that the briefing schedule for Defendants' Motion for Summary Judgment (ECF No. 127) should be extended to allow the parties time complete the additional discovery discussed herein. Accordingly, the parties have agreed to extend the deadline for Plaintiff to respond to Defendants' Motion for Summary Judgment (ECF No. 127) to May 13, 2022, and to extend the deadline for Defendants to file their reply to Plaintiff's response to June 3, 2022.

7. This requested extension of time is not sought for delay or any other improper purpose. The parties respectfully submit that the reasons set forth above constitute good cause for the extension.

DATED this 14th day of April, 2022
SIMMONDS & NARITA LLP

/s/Tomio B. Narita
Tomio B. Narita
(Admitted *pro hac vice*)
R. Travis Campbell
(Admitted *pro hac vice*)
44 Montgomery Street, Suite 3010
San Francisco, California 94104

*Attorneys for Plaintiff/Counter-defendant
TROY CAPITAL, LLC and Third-Party Defendants
RANCE WILLEY and TROY DUPUIS*

DATED this 14th day of April, 2022
RELIEF LAWYERS, LLC

/s/Dale K. Kleven
Dale K. Kleven
Nevada Bar No. 7778
Thomas M. Fronczek
Nevada Bar, No. 11380
5550 Painted Mirage Road, Suite 320
Las Vegas, Nevada 89149

*Attorneys for Plaintiff/Counterdefendant
TROY CAPITAL, LLC and Third-Party Defendants
RANCE WILLEY and TROY DUPUIS*

DATED this 14th day of April, 2022
SANTORO WHITMIRE

/s/Jason D. Smith
Nicholas J. Santoro
Nevada Bar No. 0532

DATED this 14th day of April, 2022
LEWIS BRISBOIS BISGAARD &
SMITH LLP

/s/Jeffrey D. Olster
Jeffrey D. Olster
Nevada Bar No. 8864


1 Jason D. Smith
2 Nevada Bar No. 9691
3 10100 W. Charleston Boulevard, Suite 250
4 Las Vegas, Nevada 89135

5 *Attorneys for*
6 *Counterclaimant/Third-Party Plaintiff*
7 *PATENAUDE & FELIX APC*

6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118
Attorneys for Defendants

PATENAUDE & FELIX APC, RAYMOND A.
PATENAUDE, MICHAEL D. KAHN and ANGIE
HONG HOAR

8 IT IS SO ORDERED:

9 
UNITED STATES DISTRICT JUDGE

DATED: April 14, 2022